

DEPARTMENT OF INDUSTRIAL RELATIONS  
OFFICE OF THE DIRECTOR  
P.O. Box 420603  
San Francisco, CA 94112



June 3, 1996

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Thomas W. Kovacich, Esq.  
Atkinson, Andelson, Loya, Ruud & Romo  
13304 East Alondra Boulevard  
Cerritos, CA 90703

Re: Public Works Case #96-004  
Traffic Signal Maintenance

Dear Mr. Kovacich:

This letter constitutes the determination of the Director of the Department of Industrial Relations regarding coverage of the above-named project under the public works laws and is made pursuant to 8 California Code of Regulations (CCR) section 16001(a). Based upon my review of the documents submitted and the applicable laws and regulations pertaining to public works, it is my determination that traffic signal maintenance work of the kind described in your letter is a **public works** within the meaning of the Labor Code.

Labor Code section 1771<sup>1</sup> requires the payment of general prevailing wage rates for maintenance work done under contract for a public agency by persons other than the public agency's own employees. The only statutory exception is projects costing one thousand dollars or less.

Your letter of February 20, 1996 describes the usual work of persons employed to perform traffic signal maintenance. The work includes inspecting, cleaning and resetting controllers pursuant to city specifications. Persons assigned to this work may be required to set timers, reprogram microprocessors or repair a bad connection in the traffic signal. They perform monthly maintenance, check the operation of the equipment by using the push buttons, check the bulbs, look for open wires, perform

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<sup>1</sup> Subsequent statutory references are to the Labor Code unless otherwise indicated.

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necessary repairs, and verify the proper functions of the controller and control program with a laptop computer.

The Requests for Proposal issued by the City of Banning and the City of Corona include job requirements essentially identical to the description in your letter.

"Maintenance" is defined in 8 CCR section 16000 as including:

(1) Routine recurring and usual work for the preservation, protection and keeping of any publicly owned or publicly operated facility... for its intended purposes in a safe and continually usable condition for which it has been designed, improved, constructed, altered or repaired...

(2) [E]lectrical ... and other craft work designed to preserve the publicly owned or operated facility in a safe, efficient, and continuously usable condition for which it was intended, including repairs, cleaning and other operations on machinery and other equipment permanently attached to the building or realty as fixtures.

Work of the kind described above falls squarely within the definition of maintenance set out in the regulations. Traffic signal installations are properly viewed as publicly owned and operated facilities and as equipment permanently attached to realty as fixtures. Contrary to your assertion, the work is fundamentally different than janitorial or custodial work, which would not be included within the scope of "maintenance work" for the purpose of Labor Code section 1771.<sup>2</sup> Moreover, your contention that section 1771 requires the existence of a public works project under section 1720 or 1720.2 is incorrect. Section 1771 contains no such limitation, nor have you cited any authority supporting such a construction. In any

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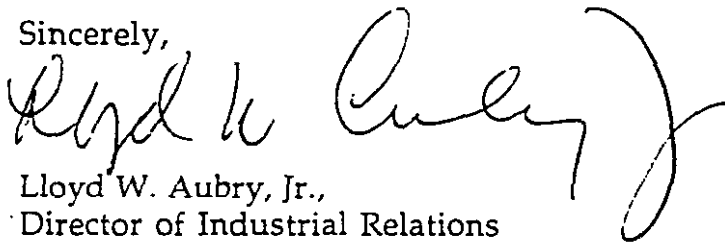
<sup>2</sup> Excluded janitorial or custodial work generally entails routine tasks of cleaning and keeping buildings or facilities free of refuse. County of Nevada, Contract for Snow Removal Services, PW Case No. 95-020 (Nov. 7, 1995).

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event, both your letter and the accompanying specifications refer to "repair" work, which is expressly included in section 1720(a)'s definition of "public works."<sup>3</sup>

For the foregoing reasons, the work described above is subject to the prevailing wage requirements of the Labor Code.

Sincerely,



Lloyd W. Aubry, Jr.,  
Director of Industrial Relations

cc: John Duncan, Chief Deputy Director  
Roberta Mendonca, Labor Commissioner  
Dorothy Vuksich, Chief, DLSR  
Rulon Cottrell, Chief, DAS  
Vanessa Holton, Assistant Chief Counsel

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<sup>3</sup> Section 1720(a) defines "public works" to include: "Construction, alteration, demolition, or repair work done under contract and paid for in whole or in part out of public funds . . ." (emphasis supplied).